

P-4
MAY 26 1982

UNI STATES ENVIRONMENTAL PROTECT AGENCY

Superfund Considerations for the Big River Tailings Piles

Director, Air and Waste Management Division

40108443

Timothy L. Amsden, Director
Special Projects



SITE	BIG RIVER MINE
ID#	MDP981126899
BREAK	11
OTHER	5-26-82

In response to your April 27, 1982, memorandum concerning tailings piles on the Big River, I am providing the following responses to your three questions on Superfund

- 1 The definition of the hazardous substances which can be addressed by Superfund is extensive as it includes hazardous and toxic materials listed in several acts (CERCLA, Section 101(14)) It is possible that the lead and barite tailings piles on the Big River could contain hazardous substances as defined by CERCLA and become a candidate for cleanup action. Forthcoming guidance from EPA Headquarters on the National Priority List (NPL) development will address this issue. Presently, we have informal concurrence from Headquarters on the above policy.
- 2 The Missouri Department of Natural Resources (MDNR) may still request that the tailings piles on the Big River be submitted for inclusion on the NPL. However, the candidate sites for the NPL must be submitted by the Regions to Headquarters early this summer. A hazard ranking score must be developed for each candidate site, and this may necessitate that a field investigation be conducted unless sufficient site information is already available. The MDNR would, thus, have to act quickly for the tailings piles to be submitted for inclusion on the NPL. Once the site has been submitted, Headquarters will develop the NPL from among the candidate sites submitted. The sites that may be considered for remedial actions must be identified on the NPL. No remedial action will be funded unless the site is ranked on the NPL. Again, we expect further guidance from Headquarters regarding inclusion of mine tailings on the NPL.
- 3 Enforcement actions may be taken under CERCLA whether or not a site is included on the NPL. No funded remedial actions can take place without the site appearing on the NPL, though. So, if responsible parties are capable of conducting needed remedial actions without the expenditure of Superfund monies, then the site does not need to be on the NPL. However, if the site needs to appear on the NPL in order to be eligible for remedial action funding, then the concurrence of MDNR on the listing of the site becomes important. Before any remedial actions can be funded the MDNR must enter into a contract or cooperative agreement with EPA and assure that it will provide for all future maintenance of the remedial action, assure the availability of an acceptable hazardous waste disposal facility, and pay 10 percent of the remedial action cost (or 50 percent if the site is owned by the State or a political subdivision.)

I trust this information satisfies your request. If you have additional questions please let me know or contact Katie Biggs (x6531).

ARWM/WMBR/SPFD/DSmith/dh/5/19/82/EB1

5/26/82-jg

SYMBOL	SPFD	SPFD	WMBR	CONCURRENCE	ARWM			
	Smith	Biggs	Morby	Spratlin	Wagoner			
SURNAME	Smith	Biggs	Morby	David A. Wagoner	Director, Air and Waste Management Division			
DATE	5/20/82	5/21/82	5/21/82					

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE April 27, 1982

SUBJECT Lead and Barite Tailings Piles on the Big River

FROM *Timothy L. Amsden*
Timothy L. Amsden, Director, Special Projects

TO David Wagoner, ARWM ✓
John Morse, CNSL

To: BOB MORBY
Pls prepare response to Jim for my signature
due COB 4/30/82

Mr Wagoner, could you please give me advice on the following

1 Could the lead and barite tailings piles on the Big River technically qualify for Superfund?

2 If it does qualify for Superfund and the State of Missouri wished to place the facility on the Superfund list, would it be possible to do so at this date? If we did so, is there a possibility that funds would be available, or are they all committed?

3 Could we with or without the concurrence of the State of Missouri place the site on the Superfund list for purposes of enforcement and requiring responsible parties to remedy the situation even though no Superfund money may be available?

Mr Morse, I pose the following possible scenario and ask the following question

1 A site is designated for Superfund purposes

2 A responsible party is located, and informed of their responsibility and opportunity to cure

3 The responsible party fails to cure

4 The Corps of Engineers repairs the situation with non-superfund monies

Can an action be brought against the responsible party to recoup the expenses of the Corps of Engineers? The basic question here is whether or not Superfund recoupment actions can be used to recoup expenses incurred by the federal government from other than Superfund monies

cc W Rice
J Franke
G Ramsey

EPA ARHM/HAZM

APR 29 1982

Region VII K C., MC

Discussed with Jim first week in May - He said he would write response KB